Notice of Rulemaking Hearing
Department of Environment and Conservation
Division of Water Supply

There will be a public rulemaking hearing before the Tennessee Department of Environment and Conservation, Division of Water Supply, acting on behalf of the Tennessee Water Quality Control Board to receive comments concerning amendments to Rule Chapter 1200-5-1 Public Water Systems pursuant to Tennessee Code Annotated (TCA) 68-221-701 et seq. Tennessee Safe Drinking Water Act. A hearing will be held at the TDEC Fleming Training Center in Murfreesboro, Tennessee at 2022 Blanton Drive at 10 am CST on October 14, 2008 as well as at the large conference room of the TDEC Offices, 1625 Hollywood Drive in Jackson, Tennessee on October 15, 2008 at 10 am CST and at the conference room of the TDEC Offices, 3711 Middlebrook Pike in Knoxville, Tennessee at 10 am EST on October 16, 2008. Additional written comments must be received by the Division of Water Supply at the accompanying address by 4:30pm CST on October 24, 2008 in order to assure consideration:

Division of Water Supply
401 Church Street, 6th floor
Nashville, TN 37243-1539
Fax: (615) 532-0503
Email: tom.moss@state.tn.us

For a copy of the entire text of this notice of rulemaking hearing contact Tom Moss, at Division of Water Supply, 401 Church Street, Nashville TN 37243-1549; (615) 532-0191 or call the nearest field office of the Department of Environment and Conservation, Division of Water Supply at 1-888-891-8332. The text of the rules may also be downloaded from the Department's website at http://www.state.tn.us/environment/dws.

Individuals with disabilities who wish to participate in these proceedings or to review these filings should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such contact may be made in person, by writing, telephone, or other means and should be made no less than ten days prior to the (scheduled meeting date) (or the date such party intends to review such filings), to allow time to provide such aid or service. Contact the Tennessee Department of Environment and Conservation, American Disabilities Act (ADA) Coordinator at 1-866-253-5827 (toll free) or 1-615-532-0200 (Nashville) for further information. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

The proposed amendments were drafted for the 1200-5-1-.33 Control of Lead and Copper based on the new federal rule requirements contained in 40 CFR 141.80 – 141.91. There is a proposed change to the requirement for duplicate disinfection under Rule 1200-5-1-.17(11) Operation and Maintenance Requirements to limit the duplicate disinfection requirement pertaining to noncommunity systems such that only those that have demonstrated problems with maintaining disinfection must meet the requirement. There is also a proposed change under Rule 1200-5-1-.36(10) Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors to require wholesale systems to meet levels of 0.048 mg/l total trihalomethanes (TTHM) and 0.036 mg/l haloacetic acids (HAA5) to demonstrate enhanced coagulation where consecutive systems are not meeting the MCLs for TTHM or HAA5.

Rulemaking Hearing Rules
of
Department of Environment and Conservation
Division of Water Supply

Chapter 1200-5-1
Public Water Systems

Amendments in redline form

Part 1 of subparagraph (d) of paragraph (10) of Rule 1200-5-1-.14 Laboratory Certification is amended by deleting the rule cite of "Rule 1200-5-1-.33(9)(a)1(iii)" and replacing it with "Rule 1200-5-1-.33(9)(a)1(iv)" such that as amended the part shall read:

1. Laboratories must achieve the method detection limit for lead of 0.001 mg/l according to the procedures in appendix B of part 136 of 40 CFR. This need only be accomplished if the laboratory will be processing source water composite samples under Rule 1200-5-1-.33(9)(a)1~~(iii)~~ (iv).

Authority: T.C.A. §§68—221—704 and 4—5—202.

Paragraph (11) of Rule 1200-5-1-.17 Operation and Maintenance Requirements is amended by deleting the word "all" at the beginning sentence of the second paragraph, replacing it with the word "community" and adding the ending sentence "Noncommunity systems which use a hypochlorinator and show deficiencies in the disinfection process shall also be required to have duplicate disinfection units." so that, as amended, Paragraph (11) shall read as follows:

(11) All community public water systems serving more than 50 connections and which have their own source of water shall be required to install, operate and maintain duplicate disinfection equipment. Duplicate disinfection equipment means at least two chlorine cylinders connected to at least two chlorinators. Each set of chlorine cylinders consists of one or more cylinders which may be connected together by an automatic switchover valve. The two sets of chlorine cylinders may tee in to a common feed line leading to the chlorinators, but may not be connected together by an automatic switchover valve. The two sets of chlorine cylinders must be weighed independently and operated simultaneously. At least two chlorinators must be operated at all times with each feeding a part of the required dosage. The chlorinators may discharge to a common manifold piping network to allow multiple injection points. Facilities may be exempt from simultaneously operating duplicate disinfection equipment if the facility has a reliable chlorine residual analyzer with an alarm notifying a manned control center capable of immediately shutting down the treatment facility. Facilities, which are staffed during the time water is treated, can use one set of chlorine cylinders with the automatic switchover device provided the free chlorine residual is checked at the facility every two hours. A reliable free chlorine residual analyzer with an alarm system to a manned control center may be used for unmanned facilities that desire to use one set of chlorine cylinders with the automatic switchover device.

Community ~~All~~ public water systems which use a hypochlorinator shall be required to have two solution pumps, two tanks for bleach solution and operate both units at the same time. Noncommunity systems which use a hypochlorinator and show deficiencies in the disinfection process shall also be required to have duplicate disinfection units.

Authority: T.C.A. §§68—221—704 and 4—5—202.

Subparagraph (a) of paragraph (1) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting the phrase “and effective dates” such that as amended the subparagraph shall read:

(a) Applicability ~~and effective dates~~

Part 2 of subparagraph (a) of paragraph (1) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it in its entirety and reserving it such that as amended the part shall read:

2. ~~The requirements set forth in 1200-5-1-.33(7) through 1200-5-1-.33(12) shall take effect on the effective date of this rule. The requirements of 1200-5-1-.33(2) through 1200-5-1-.33(6) shall take effect December 7, 1992.~~ Reserved

Part 3 of subparagraph (c) of paragraph (1) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by the addition of subpart (v) such that the subpart shall read:

(v) For a public water system that has been allowed by the State to collect fewer than five samples in accordance with subparagraph (7)(c) of this Rule, the sample result with the highest concentration is considered the 90th percentile value.

Subparagraph (g) of paragraph (1) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it in its entirety and substituting the following in its place such that as amended the subparagraph shall read:

(g) ~~Public education requirements. Any system exceeding the lead action level shall implement the public education requirements set forth in 1200-5-1-.33(6).~~ Public education requirements. Pursuant to paragraph (6) of this Rule, all water systems must provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that are tested. Any system exceeding the lead action level shall implement the public education requirements set forth in paragraph (6) of this Rule.

Subpart (iii) of part 3 of subparagraph (b) of paragraph (2) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it in its entirety and substituting the following in its place such that as amended the subpart shall read:

(iii) Any water system deemed to have optimized corrosion control pursuant to this paragraph shall notify the State in writing pursuant to subparagraph ~~1200-5-1-.33~~(11)(a) of this Rule of any upcoming long term change in treatment or addition of a new source as described in this Rule. The State must review and approve the addition of a new source or long term change in water treatment before it is implemented by the water systems. The State may require any such system to conduct additional monitoring or to take other action the State deems appropriate to ensure that such systems maintain minimal levels of corrosion in the distribution system.

Part 1 of subparagraph (e) of paragraph (2) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by inserting the phrase “the end of the monitoring period during which” after the phrase “within six months after” in the second sentence such that as amended the part shall read:

1. Step 1: The system shall conduct initial tap sampling until the system either exceeds the lead or copper action level or becomes eligible for reduced monitoring under 1200-5-1-.33(7)(d)4. A system exceeding the lead or copper action level shall recommend optimal corrosion control treatment [1200-5-1-.33(3)(a)] within six months after the end of the monitoring period during which it exceeds one of the action levels; and

Part 2 of subparagraph (e) of paragraph (2) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by inserting the phrase "the end of the monitoring period during which" after the phrase "Within 12 months after" in the first sentence such that as amended the part shall read:

2. Step 2: Within 12 months after the end of the monitoring period during which a system exceeds the lead or copper action level, the State may require the system to perform corrosion control studies [1200-5-1-.33(3)(b)]. If the State does not require the system to perform such studies, the State shall specify optimal corrosion treatment pursuant to 1200-5-1-.33(3)(d) within the following timeframes:

Subpart (i) of part 2 of subparagraph (e) of paragraph (2) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by inserting the phrase "the end of the monitoring period during which" after the phrase "within 18 months after" such that as amended the subpart shall read:

(i) for medium-size systems, within 18 months after the end of the monitoring period during which such system exceeds the lead or copper action level; and

Subpart (i) of part 2 of subparagraph (e) of paragraph (2) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by inserting the phrase "the end of the monitoring period during which" after the phrase "within 24 months after" such that as amended the subpart shall read:

(ii) for small systems, within 24 months after the end of the monitoring period during which such system exceeds the lead or copper action level.

Part 1 of subparagraph (a) of paragraph (4) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting the rest of the sentence after the word "State" and replacing it with the phrase "not later than 180 days after the end of the monitoring period during which the lead or copper action level was exceeded" such that as amended the part shall read:

1. Step 1: A system exceeding the lead or copper action level shall complete lead and copper source water monitoring and make a treatment recommendation to the State ~~within 6 months after exceeding the lead or copper action level~~. not later than 180 days after the end of the monitoring period during which the lead or copper action level was exceeded.

Subparagraph (b) paragraph (4) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by adding part 7 such that the part shall read:

7. Treatment decisions by EPA in lieu of the State. The EPA Regional Administrator may review treatment determinations made by a State under subparagraph (4)(b), parts 2, 4, or 6 of this Rule and issue Federal treatment determinations consistent with the requirements of those paragraphs where the Administrator finds that:

(i) The State has failed to issue a treatment determination by the applicable deadlines contained in subparagraph (4)(a) of this Rule,

(ii) The State has abused its discretion in a substantial number of cases or in cases affecting a substantial population, or

(iii) The technical aspects of a State's determination would be indefensible in an expected Federal enforcement action taken against a system.

Subparagraph (b) of paragraph (5) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting the last sentence and replacing it with the following sentence "The first year of lead service line replacement shall begin on the first day following the end of the monitoring period in which the action level was exceeded in subparagraph (a) of this paragraph" such that, as amended the subparagraph shall read:

(b) A water system shall replace annually at least 7 percent of the initial number of lead service lines in its distribution system. The initial number of lead service lines is the number of lead lines in place at the time the replacement program begins. The system shall identify the initial number of lead service lines in its distribution system, including an identification of the portion(s) owned by the system, based on a materials evaluation, including the evaluation required under 1200-5-1-.33(7)(a) and relevant legal authorities (e.g., contracts, local ordinances) regarding the portion owned by the system. ~~The first year of lead service line replacement shall begin on the date the action level was exceeded in tap sampling referenced in paragraph (a) of this section.~~ The first year of lead service line replacement shall begin on the first day following the end of the monitoring period in which the action level was exceeded in subparagraph (a) of this paragraph.

Subparagraph (b) paragraph (5) of Rule 1200-5-1-.33 Control of Lead and Copper is further amended by the addition of parts 1 and 2 such that parts 1 and 2 shall read:

1. If monitoring is required annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs. If the State has established an alternate monitoring period, then the end of the monitoring period will be the last day of that period.

2. Any water system resuming a lead service line replacement program after the cessation of its lead service line replacement program as allowed by subparagraph (f) of this paragraph shall update its inventory of lead service lines to include those sites that were previously determined not to require replacement through the sampling provision under subparagraph (c) of this paragraph. The system will then divide the updated number of remaining lead service lines by the number of remaining years in the program to determine the number of lines that must be replaced per year (7 percent lead service line replacement is based on a 15-year replacement program, so, for example, systems resuming lead service line replacement after previously conducting two years of replacement would divide the updated inventory by 13). For those systems that have completed a 15-year lead service line replacement program, the State will determine a schedule for replacing or retesting lines that were previously tested out under the replacement program when the system re-exceeds the action level.

Paragraph (6) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting the paragraph and replacing it with the following such that as amended the paragraph shall read:

(6) Public education and supplemental monitoring requirements.

~~A water system that exceeds the lead action level based on tap water samples collected in accordance with 1200-5-1-.33(7) shall deliver to its customers the public education materials contained in subparagraph (a) and (b) of this paragraph in accordance with the requirements in subparagraph (c) of this paragraph.~~ All water systems must deliver a consumer notice of lead tap water monitoring results to persons served by the water system at sites that are tested, as specified in subparagraph (d) of this paragraph. A water system that exceeds the lead action level based on tap water samples collected in accordance with 1200-5-1-.33(7) shall deliver to its customers the public education materials contained in subparagraph (a) of this paragraph in accordance with the requirements of subparagraph (c) of this paragraph. Water systems that exceed the lead action level must sample the tap water of any customer who requests it in accordance with subparagraph (d) of this paragraph.

Part 1 of subparagraph (a) of paragraph (6) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended, the part shall read:

1. ~~Community water systems. A community water system shall include the following text in all of the printed materials it distributes through its lead public education program. Systems may delete information pertaining to lead service lines, upon approval by the State, if no lead service lines exist anywhere in the water system service area. Public education language at subparagraphs (a)1(iv)(II)IV and (a)1(iv)(V)II of this paragraph may be modified regarding building permit record availability and consumer access to these records, if approved by the State. Systems may also continue to utilize pre-printed materials that meet the public education language requirements in 1200-5-1-.33(6), effective November 6, 1991, and contained in the 40 CFR, parts 100 to 149, edition revised as of July 1, 1991. Any additional information presented by a system shall be consistent with the information below and be in plain English that can be understood by lay people.~~ Community water systems and Non-transient non-community water systems. Water systems must include the following elements in printed materials (e.g., brochures and pamphlets) in the same order as listed below. In addition, language in subparts (a)1(i) through (ii) and (a)1(vi) of this part must be included in the materials, exactly as written, except for the text in brackets in these subparts for which the water system must include system-specific information. Any additional information presented by a water system must be consistent with the information below and be in plain language that can be understood by the general public. Water systems must submit all written public education materials to the State prior to delivery. The State may require the system to obtain approval of the content of written public materials prior to delivery.

Subpart (i) of part 1 of subparagraph (a) of paragraph (6) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended, the subpart shall read:

(i) ~~Introduction. The United States Environmental Protection Agency (EPA) and (insert name of water supplier) are concerned about lead in your drinking water. Although most homes have~~

~~very low levels of lead in their drinking water, some homes in the community have lead levels above the EPA action level of 15 parts per billion (ppb), or 0.015 milligrams of lead per liter of water (mg/L). Under Federal law we are required to have a program in place to minimize lead in your drinking water by (insert date when corrosion control will be completed for your system). This program includes corrosion control treatment, source water treatment, and public education. We are also required to replace the portion of each lead service line that we own if the line contributes lead concentrations of more than 15 ppb after we have completed the comprehensive treatment program. If you have any questions about how we are carrying out the requirements of the lead regulations please give us a call at (insert water system's phone number). This brochure explains the simple steps you can take to protect you and your family by reducing your exposure to lead in drinking water.~~ Important Information About Lead in Your Drinking Water. [Insert Name of Water System] found elevated levels of lead in drinking water in some homes/buildings. Lead can cause serious health problems, especially for pregnant women and young children. Please read this information closely to see what you can do to reduce lead in your drinking water.

Subpart (ii) of part 1 of subparagraph (a) of paragraph (6) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended, the subpart shall read:

(ii) ~~Health effects of lead. Lead is a common metal found throughout the environment in lead-based paint, air, soil, household dust, food, certain types of pottery, porcelain, pewter, and water. Lead can pose a significant risk to your health if too much of it enters your body. Lead builds up in the body over many years and can cause damage to the brain, red blood cells and kidneys. The greatest risk is to young children and pregnant women. Amounts of lead that won't hurt adults can slow down normal mental and physical development of growing bodies. In addition, a child at play often comes into contact with sources of lead contamination like dirt and dust that rarely affect an adult. It is important to wash children's hands and toys often, and to try to make sure they only put food in their mouths.~~ Health effects of lead. Lead can cause serious health problems if too much enters your body from drinking water or other sources. It can cause damage to the brain and kidneys, and can interfere with the production of red blood cells that carry oxygen to all parts of your body. The greatest risk of lead exposure is to infants, young children, and pregnant women. Scientists have linked the effects of lead on the brain with lowered IQ in children. Adults with kidney problems and high blood pressure can be affected by low levels of lead more than healthy adults. Lead is stored in the bones, and it can be released later in life. During pregnancy, the child receives lead from the mother’s bones, which may affect brain development.

Subpart (iii) of part 1 of subparagraph (a) of paragraph (6) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended, the subpart shall read:

(iii) ~~Lead in Drinking Water.~~ Sources of Lead

Item (I) of subpart (iii) of part 1 of subparagraph (a) of paragraph (6) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended, the item shall read:

(I) ~~Lead in drinking water, although rarely the sole cause of lead poisoning, can significantly increase a person's total lead exposure, particularly the exposure of infants who drink baby formulas and concentrated juices that are mixed with water. The EPA estimates that drinking water can make up 20 percent or more of a person's total exposure to lead.~~ Explain what lead is.

Item (II) of subpart (iii) of part 1 of subparagraph (a) of paragraph (6) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended, the item shall read:

(II) ~~Lead is unusual among drinking water contaminants in that it seldom occurs naturally in water supplies like rivers and lakes. Lead enters drinking water primarily as a result of the corrosion, or wearing away, of materials containing lead in the water distribution system and household plumbing. These materials include lead-based solder used to join copper pipe, brass and chrome plated brass faucets, and in some cases, pipes made of lead that connect your house to the water main (service lines). In 1986, Congress banned the use of lead solder containing greater than 0.2% lead, and restricted the lead content of faucets, pipes and other plumbing materials to 8.0%.~~ Explain possible sources of lead in drinking water and how lead enters drinking water. Include information on home/building plumbing materials and service lines that contain lead.

Item (III) of subpart (iii) of part 1 of subparagraph (a) of paragraph (6) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended, the item shall read:

(III) ~~When water stands in lead pipes or plumbing systems containing lead for several hours or more, the lead may dissolve into your drinking water. This means the first water drawn from the tap in the morning, or later in the afternoon after returning from work or school, can contain fairly high levels of lead.~~Discuss other important sources of lead exposure in addition to drinking water (e.g., paint).

Subpart (iv) of part 1 of subparagraph (a) of paragraph (6) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended, the subpart shall read:

(iv) ~~Steps You Can Take in the Home To Reduce Exposure To Lead in Drinking Water:~~ Discuss the steps the consumer can take to reduce their exposure to lead in drinking water.

Item (I) of subpart (iv) of part 1 of subparagraph (a) of paragraph (6) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended, the item shall read:

(I) ~~Despite our best efforts mentioned earlier to control water corrosivity and remove lead from the water supply, lead levels in some homes or buildings can be high. To find out whether you need to take action in your own home, have your drinking water tested to determine if it contains excessive concentrations of lead. Testing the water is essential because you cannot see, taste, or smell lead in drinking water. Some local laboratories that can provide this service are listed at the end of this booklet. For more information on having your water tested, please call (insert phone number of water system).~~ Encourage running the water to flush out the lead.

Item (II) of subpart (iv) of part 1 of subparagraph (a) of paragraph (6) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it in its entirety and replacing it with the following such that as amended, the item shall read:

(II) ~~If a water test indicates that the drinking water drawn from a tap in your home contains lead above 15 ppb, then you should take the following precautions:~~ Explain concerns with using hot water from the tap and specifically caution against the use of hot water for preparing baby formula.

Item (III) of subpart (iv) of part 1 of subparagraph (a) of paragraph (6) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it in its entirety and replacing it with the following such that as amended, the item shall read:

(III) ~~The steps described above will reduce the lead concentrations in your drinking water. However, if a water test indicates that the drinking water coming from your tap contains lead concentrations in excess of 15 ppb after flushing, or after we have completed our actions to minimize lead levels, then you may want to take the following additional measures:~~ Explain that boiling water does not reduce lead levels.

Item (IV) of subpart (iv) of part 1 of subparagraph (a) of paragraph (6) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it in its entirety and replacing it with the following such that as amended, the item shall read:

(IV) ~~You can consult a variety of sources for additional information. Your family doctor or pediatrician can perform a blood test for lead and provide you with information about the health effects of lead. State and local government agencies that can be contacted include:~~ Discuss other options consumers can take to

reduce exposure to lead in drinking water, such as alternative sources or treatment of water.

Item (V) of subpart (iv) of part 1 of subparagraph (a) of paragraph (6) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by inserting "Suggest that parents have their child's blood tested for lead" at the beginning of the item such that as amended, the item shall read:

(V) Suggest that parents have their child's blood tested for lead. The following is a list of some State approved laboratories in your area that you can call to have your water tested for lead (Insert names and phones numbers of at least two laboratories).

Part 1 of subparagraph (a) of paragraph (6) of Rule 1200-5-1-.33 Rule 1200-5-1-.33 Control of Lead and Copper is further amended by the addition of subpart (v) and (vii) such that as amended the subparts shall read:

(v) Explain why there are elevated levels of lead in the system's drinking water (if known) and what the water system is doing to reduce the lead levels in homes/buildings in this area.

(vi) For more information call us at [Insert Your Number] [(If Applicable), or visit our Web site at [Insert Your Web Site Here]]. For more information on reducing lead exposure around your home/building and the health effects of lead, visit EPA's Web site at http://www.epa.gov/lead or contact your health care provider.

Part 2 of subparagraph (a) of paragraph (6) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the part shall read:

2. ~~Non-transient non-community water systems. A non-transient non-community water system shall either include the text specified in subparagraph (a)1 of this section or shall include the following text in all of the printed materials it distributes through its lead public education program. Water systems may delete information pertaining to lead service lines upon approval by the State if no lead service lines exist anywhere in the water system service area. Any additional information presented by a system shall be consistent with the information below and be in plain English that can be understood by lay people.~~ Community water systems. In addition to including the elements specified in subparagraph (a)(1) of this paragraph, community water systems must:

Subpart (i) of part 2 of subparagraph (a) of paragraph (6) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the subpart shall read:

(i) ~~Introduction. The United States Environmental Protection Agency (EPA) and [insert name of water supplier] are concerned about lead in your drinking water. Some drinking water samples taken from this facility have lead levels above the EPA action level of 15 parts per billion (ppb), or 0.015 milligrams of lead per liter of water (mg/L). Under Federal law we are required to have a program in place to minimize lead in your drinking water by [insert date when corrosion control will be completed for your system]. This program includes corrosion control treatment,~~

~~source water treatment, and public education. We are also required to replace the portion of each lead service line that we own if the line contributes lead concentrations of more than 15 ppb after we have completed the comprehensive treatment program. If you have any questions about how we are carrying out the requirements of the lead regulation please give us a call at [insert water system's phone number]. This brochure explains the simple steps you can take to protect yourself by reducing your exposure to lead in drinking water.~~ Tell consumers how to get their water tested.

Subpart (ii) of part 2 of subparagraph (a) of paragraph (6) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it in its entirety and replacing it with the following such that as amended the subpart shall read:

(ii) ~~Health effects of lead. Lead is found throughout the environment in lead-based paint, air, soil, household dust, food, certain types of pottery porcelain and pewter, and water. Lead can pose a significant risk to your health if too much of it enters your body. Lead builds up in the body over many years and can cause damage to the brain, red blood cells and kidneys. The greatest risk is to young children and pregnant women. Amounts of lead that won't hurt adults can slow down normal mental and physical development of growing bodies. In addition, a child at play often comes into contact with sources of lead contamination like dirt and dust--that rarely affect an adult. It is important to wash children's hands and toys often, and to try to make sure they only put food in their mouths.~~ Discuss lead in plumbing components and the difference between low lead and lead free.

Subparagraph (b) of paragraph (6) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it in its entirety and reserving it such that as amended the subparagraph shall read:

(b) ~~Content of broadcast materials. A water system shall include the following information in all public service announcements submitted under its lead public education program to television and radio stations for broadcasting:~~ Reserved

~~1. Why should everyone want to know the facts about lead and drinking water? Because unhealthy amounts of lead can enter drinking water through the plumbing in your home. That's why I urge you to do what I did. I had my water tested for (insert fee or $ per sample). You can contact the (insert the name of the city or water system) for information on testing and on simple ways to reduce your exposure to lead in drinking water.~~

~~2. To have your water tested for lead, or to get more information about this public health concern, please call (insert the phone number of the city or water system).~~

Subparagraph (c) of paragraph (6) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the subparagraph shall read:

(c) ~~Delivery of a public education program.~~ Delivery of public education materials.

Part 1 of subparagraph (c) of paragraph (6) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the part shall read:

1. ~~In communities where a significant proportion of the population speaks a language other than English, public education materials shall be communicated in the appropriate language(s).~~ For public water systems serving a large proportion of non-English speaking consumers, as determined by the State, the public education materials must contain information in the appropriate language(s) regarding the importance of the notice or contain a telephone number or address where persons served may contact the water system to obtain a translated copy of the public education materials or to request assistance in the appropriate language.

Part 2 of subparagraph (c) of paragraph (6) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the part shall read:

2. ~~A community water system that exceeds the lead action level on the basis of tap water samples collected in accordance with 1200-5-1-.33(7), and that is not already repeating public education tasks pursuant to subparagraph (c)3, (c)7, or (c)8, of this paragraph, shall, within 60 days:~~ A community water system that exceeds the lead action level on the basis of tap water samples collected in accordance with 1200-5-1-.33(7), and that is not already conducting public education tasks under this subparagraph, must conduct the public education tasks under this paragraph within 60 days after the end of the monitoring period in which the exceedence occurred:

Subpart (i) of part 2 of subparagraph (c) of paragraph (6) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the subpart shall read:

(i) ~~Insert notices in each customer's water utility bill containing the information in part (a)1 of this paragraph, along with the following alert on the water bill itself in large print: ``SOME HOMES IN THIS COMMUNITY HAVE ELEVATED LEAD LEVELS IN THEIR DRINKING WATER. LEAD CAN POSE A SIGNIFICANT RISK TO YOUR HEALTH. PLEASE READ THE ENCLOSED NOTICE FOR FURTHER INFORMATION.'' A community water system having a billing cycle that does not include a billing within 60 days of exceeding the action level, or that cannot insert information in the water utility bill without making major changes to its billing system, may use a separate mailing to deliver the information in paragraph (a)1 of this section as long as the information is delivered to each customer within 60 days of exceeding the action level. Such water systems shall also include the ``alert'' language specified in this paragraph.~~ Deliver printed materials meeting the content requirements of subparagraph (a) of this paragraph to all bill paying customers.

Subpart (ii) of part 2 of subparagraph (c) of paragraph (6) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and further amended with the addition of the following new item (I) such that as amended the subpart shall read:

(ii) ~~Submit the information in part (a)1 of this paragraph to the editorial departments of the major daily and weekly newspapers circulated throughout the community.~~

(I) Contact customers who are most at risk by delivering education materials that meet the content requirements of paragraph (a) of this section to local public health agencies even if they are not located within the water system's service area, along with an informational notice that encourages distribution to all the organization's potentially affected customers or community water system's users. The water system must contact the local public health agencies directly by phone or in person. The local public health agencies may provide a specific list of additional community based organizations serving target populations, which may include organizations outside the service area of the water system. If such lists are provided, systems must deliver education materials that meet the content requirements of subparagraph (a) of this paragraph to all organizations on the provided lists.

Subpart (ii) of part 2 of subparagraph (c) of paragraph (6) of Rule 1200-5-1-.33 Control of Lead and Copper is further amended with the addition of the following new item (II) and subitems I through VI such that as amended the item shall read:

(II) Contact customers who are most at risk by delivering materials that meet the content requirements of subparagraph (a) of this paragraph to the following organizations listed in subitems I through VI that are located within the water system's service area, along with an informational notice that that encourages distribution to all the organization's potentially affected customers or community water system's users:

I. Public and private schools or school boards.

II. Women, Infants and Children (WIC) and Head Start programs.

III. Public and private hospitals and medical clinics.

IV. Pediatricians.

V. Family planning clinics.

VI. Local welfare agencies.

Subpart (ii) of part 2 of subparagraph (c) of paragraph (6) of Rule 1200-5-1-.33 Control of Lead and Copper is further amended with the addition of the following new item (III) and subitems I through III such that as amended the item shall read:

(III) Make a good faith effort to locate the following organizations within the service area and deliver

materials that meet the content requirements of subparagraph (a) of this paragraph to them, along with an informational notice that encourages distribution to all potentially affected customers or users. The good faith effort to contact at-risk customers may include requesting a specific contact list of these organizations from the local public health agencies, even if the agencies are not located within the water system's service area:

I. Licensed childcare centers

II. Public and private preschools.

III. Obstetricians-Gynecologists and Midwives.

Subpart (iii) of part 2 of subparagraph (c) of paragraph (6) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it in its entirety and replacing it with the following such that as amended the subpart shall read:

(iii) ~~Deliver pamphlets and/or brochures that contain the public education materials in subparts (a)1(ii) and (a)1(iv) of this paragraph to facilities and organizations, including the following:~~ No less often than quarterly, provide information on or in each water bill as long as the system exceeds the action level for lead. The message on the water bill must include the following statement exactly as written except for the text in brackets for which the water system must include system-specific information: [Insert Name of Water System] found high levels of lead in drinking water in some homes. Lead can cause serious health problems. For more information please call [Insert Name of Water System] [or visit (Insert Your Website Here)]. The message or delivery mechanism can be modified in consultation with the State; specifically, the State may allow a separate mailing of public education materials to customers if the water system cannot place the information on water bills.

~~(I) public schools and/or local school boards;~~
~~(II) city or county health department;~~
~~(III) Women, Infants, and Children and/or Head Start Program(s) whenever available;~~
~~(IV) public and private hospitals and/or clinics;~~
~~(V) pediatricians;~~
~~(VI) family planning clinics; and~~
~~(VII) local welfare agencies.~~

Subpart (iv) of part 2 of subparagraph (c) of paragraph (6) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it in its entirety and replacing it with the following such that as amended the subpart shall read:

(iv) ~~submit the public service announcement in subparagraph (b) of this paragraph to at least five of the radio and television stations with the largest audiences that broadcast to the community served by the water system.~~ Post material meeting the content

requirements of paragraph (a) of this section on the water system's Web site if the system serves a population greater than 100,000.

Part 2 of subparagraph (c) of paragraph (6) of Rule 1200-5-1--.33 Control of Lead and Copper is further amended by the addition of subparts (v), (vii) and (viii) and associated items such that as amended the subparts shall read:

(v) Submit a press release to newspaper, television and radio stations.

(vi) In addition to (i) through (v) of this part, systems must implement at least three activities from one or more categories listed below. The educational content and selection of these activities must be determined in consultation with the State.

(I) Public Service Announcements.

(II) Paid advertisements.

(III) Public Area Informational Displays.

(IV) E-mails to customers.

(V) Public Meetings.

(VI) Household Deliveries.

(VII) Targeted Individual Customer Contact.

(VIII) Direct material distribution to all multi-family homes and institutions.

(IX) Other methods approved by the State.

(vii) For systems that are required to conduct monitoring annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or, if the State has established an alternate monitoring period, the last day of that period.

Part 3 of subparagraph (c) of paragraph (6) of Rule 1200-5-1--.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the part and addition of subparts (i) through (iv) shall read:

3. ~~A community water system shall repeat the tasks contained in subparts (c)2(i), (ii) and (iii) of this paragraph every 12 months, and the tasks contained in subparts (c)2(iv) of this paragraph every 6 months for as long as the system exceeds the lead action level.~~ As long as a community water system exceeds the action level, it must repeat the activities pursuant to part 2 of this subparagraph as described in subparts (i) through (iv) of this part.

(i) A community water system shall repeat the tasks contained in subparts (c)2(i), (ii) and (vi) of this subparagraph every 12 months.

(ii) A community water system shall repeat tasks contained in subpart (c)2(iii) of this subparagraph with each billing cycle.

(iii) A community water system serving a population greater than 100,000 shall post and retain material on a publicly accessible Web site pursuant to subpart (c)2(iv) of this subparagraph.

(iv) The community water system shall repeat the task in subpart 2(v) of this subparagraph twice every 12 months on a schedule agreed upon with the State. The State can allow activities in part 2 of this subparagraph to extend beyond the 60-day requirement if needed for implementation purposes on a case-by-case basis; however, this extension must be approved in writing by the State in advance of the 60-day deadline.

Part 4 of subparagraph (c) of paragraph (6) of Rule 1200-5-1--.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the part shall read:

4. ~~Within 60 days after it exceeds the lead action level (unless it already is repeating public education tasks pursuant to paragraph (c)5 of this paragraph), a non-transient non-community water system shall deliver the public education materials specified by paragraph (a)1 of this section or the public education materials specified by paragraph (a)2 of this section as follows:~~ Within 60 days after the end of the monitoring period in which the exceedance occurred (unless it already is repeating public education tasks pursuant to part 5 of this subparagraph), a non-transient noncommunity water system shall deliver the public education materials specified by subparagraph (a) of this paragraph as follows:

Part 4 of subparagraph (c) of paragraph (6) of Rule 1200-5-1--.33 Control of Lead and Copper is further amended by the addition of new subpart (iii) such that as amended the subpart shall read:

(iii) For systems that are required to conduct monitoring annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or, if the State has established an alternate monitoring period, the last day of that period.

Part 5 of subparagraph (c) of paragraph (6) of Rule 1200-5-1--.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the part shall read:

5. ~~A non-transient non-community water system shall repeat the tasks contained in part (c)4 of this paragraph at least once during each calendar year in which the system exceeds the lead action level~~. A non-transient non-community water system shall repeat the tasks contained in part 4 of this subparagraph at least once during each calendar year in which the system exceeds the lead action level. The State can allow activities in part (4) of this subparagraph to extend beyond the 60-day requirement if needed for implementation purposes on a case-by-case basis; however, this extension must be approved in writing by the State in advance of the 60-day deadline.

Part 7 of subparagraph (c) of paragraph (6) of Rule 1200-5-1--.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the part shall read:

7. A community water system may apply to the State, in writing, (unless the State has waived the requirement for prior State approval) to use the text specified in ~~paragraph (a)2 of this section~~ part (a)1 of this paragraph in lieu of the text in ~~paragraph (a)1 of this section~~ parts (a)1 and (a)2 of this paragraph and to perform the tasks listed in ~~paragraphs (c)4 and (c)5 of this section~~ parts 4 and 5 of this subparagraph in lieu of the tasks in ~~paragraphs (c)2 and (c)3 of this section~~ parts 2 and 3 of this subparagraph if:

Part 8 of subparagraph (c) of paragraph (6) of Rule 1200-5-1--.33 Control of Lead and Copper is amended by deleting it in its entirety and replacing it with the following such that as amended the part shall read:

8. A community water system serving 3,300 or fewer people may limit certain aspects of their public education programs as follows:

(i) ~~A community water system serving 3,300 or fewer people may omit the task contained in paragraph (c)2(iv) of this section. As long as it distributes notices containing the information contained in paragraph (a)1 of this section to every household served by the system, such systems may further limit their public education programs as follows:~~ With respect to the requirements of subpart 2(vi) of this subparagraph, a system serving 3,300 or fewer must implement at least one of the activities listed in that subpart.

~~(I) Systems serving 500 or fewer people may forego the task contained in subparts (c)2(ii) of this paragraph. Such a system may limit the distribution of the public education materials required under subparts (c)2(iii) of this paragraph to facilities and organizations served by the system that are most likely to be visited regularly by pregnant women and children, unless it is notified by the State in writing that it must make a broader distribution.~~

~~(II) If approved by the State in writing, a system serving 501 to 3,300 people may omit the task in subpart(c)2(ii) of this paragraph and/or limit the distribution of the public education materials required under subpart (c)2(iii) of this paragraph to facilities and organizations served by the system that are most likely to be visited regularly by pregnant women and children.~~

(ii) ~~A community water system serving 3,300 or fewer people that delivers public education in accordance with subpart (c)8(i) of this paragraph shall repeat the required public education tasks at least once during each calendar year in which the system exceeds the lead action level.~~ With respect to the requirements of subpart 2(ii) of this subparagraph, a system serving 3,300 or fewer people may limit the distribution of the public education materials required under that paragraph to facilities and organizations served by the

system that are most likely to be visited regularly by pregnant women and children.

(iii) With respect to the requirements of subpart 2(v) of this subparagraph, the State may waive this requirement for systems serving 3,300 or fewer persons as long as system distributes notices to every household served by the system.

Paragraph (6) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by the addition of subparagraph (e) such that the subparagraph shall read:

(e) Notification of results.

1. Reporting requirement. All water systems must provide a notice of the individual tap results from lead tap water monitoring carried out under the requirements of paragraph (7) of this Rule to the persons served by the water system at the specific sampling site from which the sample was taken (e.g., the occupants of the residence where the tap was tested).

2. Timing of notification. A water system must provide the consumer notice as soon as practical, but no later than 30 days after the system learns of the tap monitoring results.

3. Content. The consumer notice must include the results of lead tap water monitoring for the tap that was tested, an explanation of the health effects of lead, list steps consumers can take to reduce exposure to lead in drinking water and contact information for the water utility. The notice must also provide the maximum contaminant level goal and the action level for lead and the definitions for these two terms from Rule 1200-5-1-.35.

4. Delivery. The consumer notice must be provided to persons served at the tap that was tested, either by mail or by another method approved by the State. For example, upon approval by the State, a non-transient non-community water system could post the results on a bulletin board in the facility to allow users to review the information. The system must provide the notice to customers at sample taps tested, including consumers who do not receive water bills.

Subparagraph (c) of paragraph (7) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting the sentence which starts with the phrase “A system conducting” and replacing it with the following such that as amended the subparagraph shall read:

(c) Number of samples. Water systems shall collect at least one sample during each monitoring period specified in subparagraph (d) of this paragraph from the number of sites listed in the first column (``standard monitoring'') of the table in this subparagraph. A system conducting reduced monitoring under ~~subparagraph~~ part (d)4 of this paragraph ~~on~~ only shall collect at least one sample from the number of sites specified in the second column (``reduced monitoring'') of the table in this paragraph during each monitoring period specified in ~~subparagraph~~ part (d)4 of this paragraph. Such reduced monitoring sites shall be representative of the sites required for standard monitoring. A public water system that has fewer than five drinking water taps, that can be used for human consumption meeting the sample site criteria of subparagraph (a) of this paragraph to reach the required number of sample sites listed in this subparagraph, must collect at least one sample from each tap and then must collect additional samples from

those taps on different days during the monitoring period to meet the required number of sites. Alternatively, the State may allow these public water systems to collect a number of samples less than the number of sites specified in this subparagraph, provided that 100 percent of all taps that can be used for human consumption are sampled. The State must approve this reduction of the minimum number of samples in writing based on a request from the system or onsite verification by the State. States may specify sampling locations when a system is conducting reduced monitoring. The table is as follows:

Subpart (i) of part 4 of subparagraph (d) of paragraph (7) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by placing the language "A small or medium water system collecting fewer than five samples as specified in subparagraph (c) of this paragraph, that meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce the frequency of sampling to once per year. In no case can the system reduce the number of samples required below the minimum of one sample per available tap. This sampling shall begin during the calendar year immediately following the end of the second consecutive six-month monitoring period" at the end of the existing subpart such that as amended the subpart shall read:

(i) A small or medium-size water system that meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce the number of samples in accordance with subparagraph (c) of this paragraph and reduce the frequency of sampling to once per year. A small or medium water system collecting fewer than five samples as specified in subparagraph (c) of this paragraph, that meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce the frequency of sampling to once per year. In no case can the system reduce the number of samples required below the minimum of one sample per available tap. This sampling shall begin during the calendar year immediately following the end of the second consecutive six-month monitoring period.

Subpart (ii) of part 4 of subparagraph (d) of paragraph (7) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the subpart shall read:

(ii) ~~Any water system that maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the State under paragraph (3)(f) during each of two consecutive six-month monitoring periods may reduce the frequency of monitoring to once per year and reduce the number of lead and copper samples in accordance with subparagraph (c) of this paragraph if it receives written approval from the State. The State shall review monitoring, treatment, and other relevant information submitted by the water system in accordance with paragraph (11), and shall notify the system in writing when it determines the system is eligible to commence reduced monitoring pursuant to this paragraph. The State shall review, and where appropriate, revise its determination when the system submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.~~ Any water system that meets the lead action level and maintains the range of values for the water quality control parameters reflecting optimal

corrosion control treatment specified by the State under subparagraph (3)(f) of this Rule during each of two consecutive six-month monitoring periods may reduce the frequency of monitoring to once per year and reduce the number of lead and copper samples in accordance with subparagraph (c) of this paragraph if it receives written approval from the State. This sampling shall begin during the calendar year immediately following the end of the second consecutive six-month monitoring period. The State shall review monitoring, treatment, and other relevant information submitted by the water system in accordance with paragraph (11) of this Rule, and shall notify the system in writing when it determines the system is eligible to commence reduced monitoring pursuant to this paragraph. The State shall review, and where appropriate, revise its determination when the system submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.

Subpart (iii) of part 4 of subparagraph (d) of paragraph (7) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the subpart shall read:

(iii) A small or medium-size water system that meets the lead and copper action levels during three consecutive years of monitoring may reduce the frequency of monitoring for lead and copper from annually to once every three years. ~~Any water system that maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the State under paragraph (3)(f) during three consecutive years of monitoring may reduce the frequency of monitoring from annually to once every three years if it receives written approval from the State.~~ Any water system that meets the lead action level and maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the State under subparagraph (3)(f) of this Rule during three consecutive years of monitoring may reduce the frequency of monitoring from annually to once every three years if it receives written approval from the State. Samples collected once every three years shall be collected no later than every third calendar year. The State shall review monitoring, treatment, and other relevant information submitted by the water system in accordance with ~~paragraph (11)~~ paragraph (11) of this Rule, and shall notify the system in writing when it determines the system is eligible to reduce the frequency of monitoring to once every three years. The State shall review, and where appropriate, revise its determination when the system submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.

Item (I) of subpart (iv) of part 4 of subparagraph (d) of paragraph (7) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by adding the sentence “This sampling shall begin during the period approved or designated by the State in the calendar year immediately following the end of the second consecutive six-month monitoring period for systems initiating annual monitoring and during the three-year period following the end of the third consecutive calendar year of annual

monitoring for systems initiating triennial monitoring" at the end of the existing item such that as amended the item shall read:

(I) The State, at its discretion, may approve a different period for conducting the lead and copper tap sampling for systems collecting a reduced number of samples. Such a period shall be no longer than four consecutive months and must represent a time of normal operation where the highest levels of lead are most likely to occur. For a non-transient non-community water system that does not operate during the months of June through September, and for which the period of normal operation where the highest levels of lead are most likely to occur is not known, the State shall designate a period that represents a time of normal operation for the system. This sampling shall begin during the period approved or designated by the State in the calendar year immediately following the end of the second consecutive six-month monitoring period for systems initiating annual monitoring and during the three-year period following the end of the third consecutive calendar year of annual monitoring for systems initiating triennial monitoring.

Item (II) of subpart (vi) of part 4 of subparagraph (d) of paragraph (7) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the item shall read:

(II) ~~Any water system subject to the reduced monitoring frequency that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified by the State under paragraph (3)(f) for more than nine days in any six-month period specified in paragraph (8)(d) shall conduct tap water sampling for lead and copper at the frequency specified in subparagraph (d)3 of this paragraph, collect the number of samples specified for standard monitoring under subparagraph (c) of this paragraph, and shall resume monitoring for water quality parameters within the distribution system in accordance with subparagraph (8)(d). Such a system may resume reduced monitoring for lead and copper at the tap and for water quality parameters within the distribution system under the following conditions:~~ Any water system subject to the reduced monitoring frequency that fails to meet the lead action level during any four-month monitoring period or that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified by the State under subparagraph (3)(f) of this Rule for more than nine days in any six-month period specified in subparagraph (8)(d) of this Rule shall conduct tap water sampling for lead and copper at the frequency specified in part 3 of this subparagraph, collect the number of samples specified for standard monitoring under subparagraph (c) of this paragraph, and shall resume monitoring for water quality parameters within the distribution system in accordance

with subparagraph (8)(d) of this Rule. This standard tap water sampling shall begin no later than the six-month period beginning January 1 of the calendar year following the lead action level exceedance or water quality parameter excursion. Such a system may resume reduced monitoring for lead and copper at the tap and for water quality parameters within the distribution system under the following conditions:

Subitem I of Item (II) of subpart (vi) of part 4 of subparagraph (d) of paragraph (7) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the subitem shall read:

I. The system may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in subparagraph (c) of this paragraph after it has completed two subsequent six-month rounds of monitoring that meet the criteria of ~~subparagraph~~ subpart ~~(d)4~~(ii) of this ~~paragraph~~ part and the system has received written approval from the State that it is appropriate to resume reduced monitoring on an annual frequency. This sampling shall begin during the calendar year immediately following the end of the second consecutive six month monitoring period.

Subpart (vii) of part 4 of subparagraph (d) of paragraph (7) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended it shall read:

(vii) ~~Any water system subject to a reduced monitoring frequency under subparagraph (d)4 of this section that either adds a new source of water or changes any water treatment shall inform the State in writing in accordance with paragraph (11)(a)3. The State may require the system to resume sampling in accordance with subparagraph (d)3 of this paragraph and collect the number of samples specified for standard monitoring under subparagraph (c) of this paragraph or take other appropriate steps such as increased water quality parameter monitoring or re-evaluation of its corrosion control treatment given the potentially different water quality considerations.~~ Any water system subject to a reduced monitoring frequency under part 4 of this subparagraph shall notify the State in writing in accordance with part (11)(a)3 of this Rule of any upcoming long term change in treatment or addition of a new source as described in that paragraph. The State must review and approve the addition of a new source or long-term change in water treatment before it is implemented by the water system. The State may require the system to resume sampling in accordance with part 3 of this subparagraph and collect the number of samples specified for standard monitoring under subparagraph (c) of this paragraph or take other appropriate steps such as increased water quality parameter monitoring or reevaluation of its corrosion control treatment given the potentially different water quality considerations.

Subpart (i) of part 4 of subparagraph (g) of paragraph (7) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the subpart shall read:

(i) A system with a full waiver must conduct tap water monitoring for lead and copper in accordance with subparagraph (d)4(iv) of this paragraph at the reduced number of sampling sites identified in subparagraph (c) of this paragraph at least once every nine years and provide the materials certification specified in ~~subparagraph~~ part (g)1 of this ~~paragraph~~ subparagraph for both lead and copper to the State along with the monitoring results. Samples collected every nine years shall be collected no later than every ninth calendar year.

Subpart (iii) of part 4 of subparagraph (g) of paragraph (7) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the subpart shall read:

(iii) ~~If a system with a full or partial waiver adds a new source of water or changes any water treatment, the system must notify the State in writing in accordance with paragraph (11)(a)3. The State has the authority to require the system to add or modify waiver conditions (e.g., require recertification that the system is free of lead- containing and/or copper-containing materials, require additional round(s) of monitoring), if it deems such modifications are necessary to address treatment or source water changes at the system.~~ Any water system with a full or partial waiver shall notify the State in writing in accordance with part (11)(a)3 of this Rule of any upcoming long-term change in treatment or addition of a new source, as described in that paragraph. The State must review and approve the addition of a new source or long-term change in water treatment before it is implemented by the water system. The State has the authority to require the system to add or modify waiver conditions (e.g., require recertification that the system is free of lead-containing and/or copper-containing materials, require additional round(s) of monitoring), if it deems such modifications are necessary to address treatment or source water changes at the system.

Subparagraph (d) of paragraph (8) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the subparagraph shall read:

(d) Monitoring after State specifies water quality parameter values for optimal corrosion control. After the State specifies the values for applicable water quality control parameters reflecting optimal corrosion control treatment under paragraph (3)(f) of this Rule, all large systems shall measure the applicable water quality parameters in accordance with subparagraph (c) of this paragraph and determine compliance with the requirements of paragraph (3)(g) of this Rule every six months with the first six-month period to begin either ~~the date~~ January 1 or July 1, whichever comes first, after the State specifies the optimal values under paragraph (3)(f) of this Rule. Any small or medium-size system shall conduct such monitoring during each six-month period specified in this subparagraph in which the system exceeds the lead or copper action level. For any such small and medium-size system that is subject to a reduced monitoring

frequency pursuant to paragraph (7)(d)4 of this Rule at the time of the action level exceedance, the ~~end~~ start of the applicable six-month period under this subparagraph shall coincide with the ~~end~~ start of the applicable monitoring period under paragraph (7)(d)4 of this Rule. Compliance with State-designated optimal water quality parameter values shall be determined as specified under paragraph (3)(g) of this Rule.

Subpart (i) of part 2 of subparagraph (e) of paragraph (8) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended such that as amended the subpart shall read:

(i) Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the state under subparagraph ~~1200-5-1-.33~~(3)(f) of this Rule during three consecutive years of monitoring may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in part ~~(e)~~1 of this subparagraph from every six months to annually. This sampling begins during the calendar year immediately following the end of the monitoring period in which the third consecutive year of six-month monitoring occurs. Any water system that maintains the range of values for water quality parameters reflecting optimal corrosion control treatment specified by the state under subparagraph ~~1200-5-1-.33~~(3)(f) of this Rule during three consecutive years of annual monitoring under this paragraph may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in part ~~(e)~~1 of this subparagraph from annually to every three years. This sampling begins no later than the third calendar year following the end of the monitoring period in which the third consecutive year of monitoring occurs.

Subpart (ii) of part 2 of subparagraph (e) of paragraph (8) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the subpart shall read:

(ii) A water system may reduce the frequency with which it collects tap samples for applicable water quality parameters specified in ~~subparagraph~~ part ~~(e)~~1 of this subparagraph to every three years if it demonstrates during two consecutive monitoring periods that its tap water lead level at the 90th percentile is less than or equal to the PQL for lead specified in ~~paragraph~~ subpart (10)(a)1(ii) of this Rule, that its tap water copper level at the 90th percentile is less than or equal to 0.65 mg/L for copper in ~~paragraph~~ part (1)(c)2 of this Rule, and that it also has maintained the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the State under subparagraph (3)(f) of this Rule. Monitoring conducted every three years shall be done no later than every third calendar year.

Subparagraph (b) of paragraph (9) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it in its entirety and replacing it with the following such that as amended the subparagraph shall read:

(b) Monitoring frequency after system exceeds tap water action level. Any system which exceeds the lead or copper action level at the tap shall collect one source

water sample from each entry point to the distribution system ~~within six months after the exceedance.~~ no later than six months after the end of the monitoring period during which the lead or copper action level was exceeded. For monitoring periods that are annual or less frequent, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or if the State has established an alternate monitoring period, the last day of that period.

Subpart (i) of part 1 of subparagraph (d) of paragraph (9) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the subpart shall read:

(i) A water system using only groundwater shall collect samples once during the three-year compliance period in effect when the applicable State determination under part ~~(d)~~1 of this subparagraph is made. Such systems shall collect samples once during each subsequent monitoring period. Triennial samples shall be collected every third calendar year.

Subpart (ii) of part 1 of subparagraph (d) of paragraph (9) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the subpart shall read:

(ii) A water system using surface water (or a combination of surface water and ground water) shall collect samples once during each year, the first annual monitoring period to begin ~~on the date on~~ during the year in which the applicable State determination is made under part ~~(d)~~1 of this subparagraph.

Part 1 of subparagraph (e) of paragraph (9) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by adding the phrase “provided that the samples are collected no later than every ninth calendar year and” after the phrase “compliance cycle” such that as amended the part shall read:

1. A water system using only ground water may reduce the monitoring frequency for lead and copper in source water to once during each nine-year compliance cycle provided that the samples are collected no later than every ninth calendar year and if the system meets one of the following criteria:

Part 2 of subparagraph (e) of paragraph (9) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting the term “subparagraph” and replacing it with “part” and by adding the phrase “provided that the samples are collected no later than every ninth calendar year and” after the phrase “compliance cycle” such that as amended the part shall read:

2. A water system using surface water (or a combination of surface water and ground water) may reduce the monitoring frequency in ~~subparagraph~~ part (d)1 of this paragraph to once during each nine-year compliance cycle provided that the samples are collected no later than every ninth calendar year and if the system meets one of the following criteria:

Part 1 of subparagraph (a) of paragraph (11) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the part shall read:

1. Except as provided in ~~subparagraph~~ subpart ~~(a)1~~(viii) of this ~~paragraph~~ part, a water system shall report the information specified below for all

tap water samples specified in paragraph (7) of this Rule and for all water quality parameter samples specified in paragraph (8) of this Rule within the first 10 days following the end of each applicable monitoring period specified in paragraphs (7) and (8) of this Rule (i.e., every six months, annually, every 3 years, or every 9 years). For monitoring periods with a duration less than six months, the end of the monitoring period is the last date samples can be collected during that period as specified in paragraphs (7) and (8) of this Rule.

Part 3 of subparagraph (a) of paragraph (11) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the part shall read:

3. ~~No later than 60 days after the addition of a new source or any change in water treatment, unless the State requires earlier notification, a water system deemed to have optimized corrosion control under part (2)(b)3, a water system subject to reduced monitoring pursuant to part (7)(d)4, or a water system subject to a monitoring waiver pursuant to subparagraph (7)(g), shall send written documentation to the State describing the change. In those instances where prior State approval of the treatment change or new source is not required, water systems are encouraged to provide the notification to the State beforehand to minimize the risk the treatment change or new source will adversely affect optimal corrosion control.~~ At a time specified by the State, or if no specific time is designated by the State, then as early as possible prior to the addition of a new source or any change in water treatment, a water system deemed to have optimized corrosion control under part (2)(b)3 of this Rule, a water system subject to reduced monitoring pursuant to part (7)(d)4 of this Rule, or a water system subject to a monitoring waiver pursuant to subparagraph (7)(g) of this Rule, shall submit written documentation to the State describing the change or addition. The State must review and approve the addition of a new source or long-term change in treatment before it is implemented by the water system. Examples of long-term treatment changes include the addition of a new treatment process or modification of an existing treatment process. Examples of modifications include switching secondary disinfectants, switching coagulants (e.g., alum to ferric chloride), and switching corrosion inhibitor products (e.g., orthophosphate to blended phosphate). Long-term changes can include dose changes to existing chemicals if the system is planning long-term changes to its finished water pH or residual inhibitor concentration. Long-term treatment changes would not include chemical dose fluctuations associated with daily raw water quality changes.

Part 1 of subparagraph (e) of paragraph (11) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the part shall read:

1. ~~Within 12 months after a system exceeds the lead action level in sampling referred to in 1200-5-1-.33(5)(a), the system shall demonstrate in writing to the State that it has conducted a material evaluation, including the evaluation in 1200-5-1-.33(7)(a), to identify the initial number of lead service lines in its distribution system, and shall provide the State with the system's schedule for replacing annually at least 7 percent of the initial number of lead service lines in its distribution system.~~ No later than 12 months after the end of the monitoring period in which a system exceeds the lead action level in sampling referred to in

subparagraph (5)(a) of this Rule, the system must submit written documentation to the State of the material evaluation conducted as required in subparagraph (7)(a) of this Rule, identify the initial number of lead service lines in its distribution system at the time the system exceeds the lead action level and provide the system's schedule for annually replacing at least 7 percent of the initial number of lead service lines in its distribution system.

Part 2 of subparagraph (e) of paragraph (11) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the part shall read:

2. ~~Within 12 months after~~ No later than 12 months after the end of the monitoring period in which a system exceeds the lead action level in sampling pursuant to subparagraph ~~1200-5-1-.33~~(5)(a) of this Rule, and every 12 months thereafter, the system shall demonstrate to the State in writing that the system has either:

Subpart (ii) of part 2 of subparagraph (e) of paragraph (11) of Rule 1200-5-1-.33 Control of Lead and Copper is amended by deleting it and replacing it with the following such that as amended the subpart shall read:

(ii) Conducted sampling which demonstrates that the lead concentration in all service line samples from an individual line(s), taken pursuant to part ~~1200-5-1-.33~~(7)(b)3 of this Rule is less than or equal to 0.015 mg/L. In such cases, the total number of lines replaced and/or which meet the criteria in subparagraph ~~1200-5-1-.33~~(5)(c) of this Rule shall equal at least 7 percent of the initial number of lead lines identified under ~~paragraph (a) of this section~~ part 1 of this subparagraph (or the percentage specified by the State under subparagraph ~~1200-5-1-.33~~(5)(e) of this Rule).

Subparagraph (f) of paragraph (11) of Rule 1200-5-1-.33 Control of Lead and Copper is amended with the addition of part 3 such that the part shall read:

3. No later than 3 months following the end of the monitoring period, each system must mail a sample copy of the consumer notification of tap results to the State along with a certification that the notification has been distributed in a manner consistent with the requirements of subparagraph (6)(e) of this Rule.

Authority: T.C.A. §§68—221—704 and 4—5—202.

Subparagraph (d) of paragraph (4) of Rule 1200-5-1-.35 Consumer Confidence Reports is amended by deleting it and replacing it with the following such that as amended the subparagraph shall read:

(d) ~~Systems which detect lead above the action level in more than 5%, but fewer that 10%, of homes sampled:~~ Every report must include the following lead-specific information:

Part 1 of subparagraph (d) of paragraph (4) of Rule 1200-5-1-.35 Consumer Confidence Reports is amended by deleting it and replacing it with the following such that as amended the subparagraph shall read:

1. ~~Must include a short informational statement about the special impact of lead on children using language such as: Infants and young children are typically more vulnerable to lead in drinking water than the general population. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home's plumbing. If you are concerned about elevated lead levels in your home's water, you may wish to have your water tested and flush your tap for 30 seconds to 2 minutes before using tap water. Additional information is available from the Safe Drinking Water Hotline (800-426-4791).~~ A short informational statement about lead in drinking water and its effects on children. The statement must include the following information:

   If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. [Name of Utility] is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using the water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or at http://www.epa.gov/safewater/lead.

Part 2 of subparagraph (d) of paragraph (4) of Rule 1200-5-1-.35 Consumer Confidence Reports is amended by inserting deleting it and replacing it with the following such that as amended the part shall read:

2. A system may write its own educational statement, ~~but must obtain approval from the Department for it~~. but only in consultation with the State.

Authority: T.C.A. §§68—221—704 and 4—5—202.

Rule 1200-5-1-.36 Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors is amended by adding paragraph (10) such that the new paragraph shall read:

(10) For the purposes of determining enhanced coagulation notwithstanding the provisions of paragraph (9) of this Rule, systems that provide water to consecutive systems with MCL violations for TTHM or HAA5 must meet 0.048 mg/l TTHM and 0.036 mg/l HAA5 at the entry point and master meter in order to demonstrate enhanced coagulation.

Authority: T.C.A. §§68—221—704 and 4—5—202.